

ZONING BOARD OF APPEALS  
MINUTES  
AUGUST 27, 2014  
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:18 p.m.

I. ROLL CALL

Present: Grady, Kravits, Manning, Russotto, Stebbins  
Absent: Mencer  
Staff: Cullen, Silsby

II. PUBLIC HEARINGS

Secretary Manning read the Call of the Hearing. He noted that all mailings have been received and found to be in order. Public hearing procedures were reviewed.

1. ZBA#14-06 – 150 Gold Star Highway, Daniel Tayrien/Engineer, Wal-Mart Real Estate Business Trust/Owner, for a variance to Section 7.3-10.B(2)(c) to allow an increase in the sign area for two signs considered as secondary signs; 28.17 sf in lieu of 25 sf and 77.17 sf in lieu of 25 sf. PIN#168912862377, CB-15 zone

Daniel Backstrom of SGA Design Group presented maps, site and elevation plans, and photos, as well as additional documentation. Specifics were given about the proposal. He explained why he believes that allowing an increase in the signage area and adding two additional signs, would benefit the traffic flow in the parking lot and improve safety. The additional signs would also better assist customers, when accessing the building. He referred to the Town's sign ordinance and feels that the request is in compliance with the requirements of the ordinance. Details were given about the number of existing signs, proposed sign wording, sign sizes, and lettering size.

Inquiries were made about primary and secondary outside building signs and the different sizes that are allowed per Town regulations. The Board expressed concerns with the proposal and gave other sign options. Backstrom noted the importance of sign standardization and branding. Discussion continued about sign sizes, letter size, and sign locations. The Board also raised the point that most customers know where to enter the store, without having to read signage. It was noted that a total of eight (8) signs are allowed per town ordinance. The use of directional signs was mentioned.

The Board expressed concerns about the lack of a hardship.

The Chairperson asked the public if there is anyone in favor of this application. There were no comments.

Virginia Burger, 75 Tollage Road, inquired about sign sizes and illumination. She spoke against the needs for additional signage.

There were no other comments.

Manning read a memo from the Planning Commission dated 8-13-14 to the Zoning Board of Appeals. The Planning Commission recommended in favor of 3 secondary signs, as proposed.

Staff received three (3) calls from neighbors inquiring about the legal notices. No negative or positive comments were given.

The public hearing closed at 8:00 p.m.

2. ZBA#14-07 – 105 River Road, Mystic, Bill Bertsche/Architect, Leah Hartman/Owner, for a variance to Section 5.2 to allow 16'3" in lieu of 20' for a side yard setback, 16'6" in lieu of 30' for a front yard setback, 4'6" in lieu of 20' for a side yard setback, and 18.4% in lieu of 15% lot coverage for a residential addition. PIN#261914431612, RS-20 zone.

Manning stated that the mailings are in order.

Architect Bill Bertsche referred to the site plan and distributed maps as he reviewed the proposal. Information was given about the setbacks, steps, and the proposed porch. Plans of the first floor and elevations were distributed. The Historic District map was presented. He continued to speak about coverage limitations and the pre-existing non-conforming lot. Mrs. Hartman was also present for this application.

Discussion followed about the RS-20 zone, the deck, steps, and the oddly shaped lot being a hardship, which pre-dates zoning regulations. The hardship was defined.

Staff referred to a letter of support from a neighbor.

Architect Chris Vernot of Mercer and Bertsche, read two letters of support written by abutting neighbors Dennis and Barbara Cambria and Kathy Yates. These letters were submitted as exhibits 1 and 2.

Manning read a memo from the Planning Commission dated 8-13-14, stating that the Planning Commission had no comment.

No one spoke in favor or against.

The public hearing closed at 8:23 p.m.

### III. MEETING FOLLOWING PUBLIC HEARINGS

#### Decision on Public Hearing Applications

1. ZBA#14-06 – 150 Gold Star Highway, Daniel Tayrien/Engineer, Wal-Mart Real Estate Business Trust/Owner

The Board did not have any objections to the proposal but could not determine any type of hardship. They did not feel that the consistency of the signage lettering created a hardship. Information was given about 8 signs being allowed per zoning regulations. Other signage options were brought up by Board members. The Board also believes that customers are familiar enough with the layout of Walmart stores and already know where to enter.

MOTION: To approve the variance as proposed.

Motion made by Russotto, seconded by Grady, so voted 1 in favor (Kravits), 4 opposed (Stebbins, Manning, Scott, Grady). Motion Failed.

2. ZBA#14-07 – 105 River Road, Mystic, Bill Bertsche/Architect, Leah Hartman/Owner

The Board felt this was a classic variance request, as they noted the existing hardship, due to the uniqueness of the property in the current zone.

MOTION: To grant the variance as proposed

Motion made by Russotto, seconded by Grady, so voted unanimously.

IV. CORRESPONDENCE – None.

V. APPROVAL OF THE MINUTES OF AUGUST 13, 2014

MOTION: To approve the minutes of August 13, 2014, as presented

Motion made by Grady, seconded by Russotto, so voted unanimously

VI. OLD BUSINESS – None.

VII. NEW BUSINESS

Staff stated that the meetings regularly scheduled for September 10<sup>th</sup> and 24<sup>th</sup> will be cancelled.

- a) New Applications

Two public hearings will be held on October 8<sup>th</sup>.

VIII. REPORT OF STAFF

Staff stated that she will be on vacation from September 12<sup>th</sup> until September 30<sup>th</sup>.

IX. ADJOURNMENT

Motion to adjourn at 8:40 p.m. was made by Grady, seconded by Russotto, so voted unanimously.

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Tom Manning, Secretary  
Zoning Board of Appeals

Prepared by Robin Silsby  
Office Assistant II